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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ERIC RODRIGUEZ,
Defendant.

Case No. MJ 18-2983
ORDER OF DETENTION

1 I.

2 On November 9, 2018, Defendant made his initial appearance on the
3 criminal complaint issued in this matter. Oliver Cleary, a member of the indigent
4 defense panel, was appointed to represent Defendant. At Defendant's request, a
5 detention hearing was continued to November 15, 2018 at 10:00 a.m.,

6 ☒ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case
7 allegedly involving a narcotics or controlled substance offense with maximum
8 sentence of ten or more years.

9 ☒ On motion by the Government or on the Court's own motion
10 [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the
11 defendant will flee.

12 The Court concludes that the Government is entitled to a rebuttable
13 presumption that no condition or combination of conditions will reasonably assure
14 the defendant's appearance as required and the safety of any person or the
15 community [18 U.S.C. § 3142(e)(2)].

16 II.

17 The Court finds that no condition or combination of conditions will
18 reasonably assure: ☒ the appearance of the defendant as required.

19 ☒ the safety of any person or the community.

20 the Court finds that the defendant has not rebutted the § 3142(e)(2)
21 presumption by sufficient evidence to the contrary.

22 III.

23 The Court has considered: (a) the nature and circumstances of the offense(s)
24 charged, including whether the offense is a crime of violence, a Federal crime of
25 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
26 or destructive device; (b) the weight of evidence against the defendant; (c) the
27 history and characteristics of the defendant; and (d) the nature and seriousness of
28 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also

1 considered all the evidence adduced at the hearing and the arguments, the
2 arguments of counsel, and the report and recommendation of the U.S. Pretrial
3 Services Agency.

4 IV.

5 The Court bases its conclusions on the following:

6 As to risk of non-appearance:

7 ☒ Unrebutted Presumption.

8 As to danger to the community:

9 ☒ Allegations in the criminal complaint include conspiracy to
10 distribute controlled substances based on the armed robbery of 600 pounds of
11 marijuana and \$100,000 in cash from a marijuana distribution warehouse under the
12 guise of executing a lawful search warrant. This defendant's role in the offense
13 was to drive his truck into the loading area of the distribution warehouse for the
14 purpose of transporting the stolen items to his house. At the time of arrest,
15 firearms were seized from the residence. The Court notes that, given Defendant's
16 criminal history, it was unlawful for him to possess any firearms.

17 ☒ Criminal History includes two second degree Burglary
18 convictions, Assault with a deadly weapon (non firearm) and possession of
19 marijuana, in addition to misdemeanor convictions and numerous law enforcement
20 contacts for driving on a suspended license. These factors suggest that Defendant
21 has little or no regard for the law and would not likely abide by any conditions set
22 by the Court.

23 ☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]

24 V.

25 IT IS THEREFORE ORDERED that the defendant be detained until trial.
26 The defendant will be committed to the custody of the Attorney General for
27 confinement in a corrections facility separate, to the extent practicable, from
28 persons awaiting or serving sentences or being held in custody pending appeal.

1 The defendant will be afforded reasonable opportunity for private consultation
2 with counsel. On order of a Court of the United States or on request of any
3 attorney for the Government, the person in charge of the corrections facility in
4 which defendant is confined will deliver the defendant to a United States Marshal
5 for the purpose of an appearance in connection with a court proceeding.

6 [18 U.S.C. § 3142(i)]

7
8 Dated: November 15, 2018

_____/s/_____
HON. ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE